



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

(Not for PCT Applications)  
For Design, Provisional or Utility ApplicationsPATENT  
APPLICATION

In re PATENT APPLICATION of

Inventor(s): MILES

Appln. No.:

09 922087

Series  
Code↑

Serial No.↑

Filed: 8/6/01

Title: DEVICE AND METHOD FOR  
FATIGUE TESTING OF  
MATERIALSHon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Attn: Application Division

Atty. Dkt.

84185

M#

2803TAL

Client Ref

(Our Deposit Account No. 50-0687)

(Our Order No.

C#

84185

M#

Date: September 20, 2001

Sir:

The following **completes the filing** under **Rule 53(f)** of the above-identified patent application:

1. Notice to File Missing Parts ☒ copy attached ☐ not yet received
2. ☐ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy
3. ☒ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
4. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
5. ☐ Specification originally filed in non-English language; hence verified translation attached of:
  - a. ☐ Abstract
  - b. ☐ pages of Specification (only spec. & Claims)
  - c. ☐ Drawing Figs \_\_\_\_\_
6. ☐ Letter filing formal drawing attached.
7. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
8. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(4)	
(2)		(5)	
(3)		(6)	

9. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GREAT BRITAIN \_\_\_\_\_

Application No.	Filing Date	Application No.	Filing Date
(1) 0019434.0	August 9, 2000	(4)	
(2)		(5)	
(3)		(6)	

10. ☐ (No.) Certified copy (copies): ☐ attached; ☒ previously filed (date) 8/6/01  
in U.S. Application 09/922087 filed on 8/6/2001  
No. \_\_\_\_\_
11. ☐ Attached: \_\_\_\_\_ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.
12. ☐ Attached:
13. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
14. Basic Filing Fee Application					+	106/2 06
Not Design Application				\$760.00		101/2 01
15. Total Effective Claims	27	minus 20 =	7	126.00		103/2 03
(Base this fee on claims as amended to effect CIP if this is a Rule 62(d) completion)						
16. Independent Claims	3	minus 3 =	0	x \$		102/2 02
17. If any proper multiple dependent claim (ignore improper) is present, add (Leave this line blank if this is a reissue application)				\$	+	104/2 04
18. Surcharge for filing Declaration/filing fee late				\$130.00	130.00	105/2 05
19. FILING FEE ENCLOSED =					\$ 130.00	
20. Original due date: 11/18/01						
21. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached				(1 month) (2 months) (3 months) (4 months) (5 months)	\$ \$ \$ \$ \$	115/2 15 116/2 16 117/2 17 118/2 18
22. If "non-English" box 4 is X'd, add Rule 17(k) processing fee				\$	+	139
23. If "assignment" box 6 is X'd, add recording fee				\$	+40.00	581
24. [ ] Attached is a Rule 47 Petition and Petition Fee (per Rule 17(h))				\$	+	122
25. TOTAL FEE ENCLOSED =					\$ 170.00	

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.  
**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Farkas & Manelli, PLLC  
Customer No.: 20736

By:  
Atty:  
Sig:

W. Warren Taltavall

Reg.  
No.

25647

Fax:

(202) 887-0336

Tel:

(202) 261-1047

**NOTE: File in duplicate with PTO receipt and attachm nts**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/922,087	08/06/2001	Toby J. Miles	84185 2803 TAL

CONFIRMATION NO. 8730

20736  
MANELLI DENISON & SELTER  
2000 M STREET NW SUITE 700  
WASHINGTON, DC 20036-3307

## FORMALITIES LETTER



\*OC000000006543078\*

Date Mailed: 09/18/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Gerald Deshais, Robin J. Williams, and Martin McElhone*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

09/21/2001 SDIRETA1 00000038 09922087

01 FC:105

130.00 OP